

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

TERRI SESSIONS

CIVIL ACTION NO. 22-cv-5089

VERSUS

JUDGE TERRY A. DOUGHTY

ABBOTT LABORATORIES

MAGISTRATE JUDGE HORNSBY

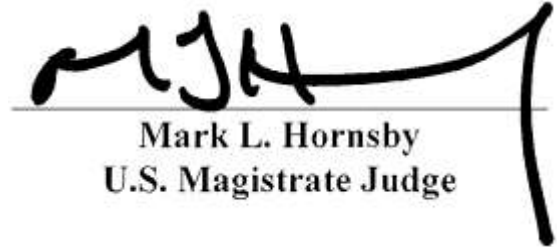
MEMORANDUM ORDER

Terri Sessions filed this civil action based on an assertion of diversity jurisdiction, which puts the burden on her to set forth specific allegations that demonstrate a complete diversity of citizenship and an amount in controversy over \$75,000. The allegations in the complaint are sufficient except with regard to Plaintiff's citizenship.

The complaint alleges that Plaintiff "resides in Bullard, Texas." It is domicile rather than mere residency that decides citizenship for diversity purposes, and "an allegation of residency alone 'does not satisfy the requirement of an allegation of citizenship.'" Midcap Media Finance, LLC v. Pathway Data, Inc., 929 F.3d 310, 313 (5th Cir. 2019), quoting Strain v. Harrelson Rubber Co., 742 F.2d 888, 889 (5th Cir. 1984). A person may reside in multiple states simultaneously, but "[a]n individual who resides in more than one State is regarded, for purposes of federal subject-matter (diversity) jurisdiction, as a citizen of but one State." Wachovia Bank v. Schmidt, 126 S. Ct. 941, 951 (2006). That is the state in which the person is domiciled. Id.; Acridge v. Evangelical Lutheran Good Samaritan Soc., 334 F.3d 444, 451 (5th Cir. 2003).

Plaintiff must file, no later than **October 19, 2022**, an amended complaint that specifically alleges the state in which she is domiciled.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 11th day of October, 2022.



Mark L. Hornsby
U.S. Magistrate Judge